

# MAINE STATE LEGISLATURE

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## NINETY - EIGHTH LEGISLATURE

### Legislative Document

No. 786

H. P. 559

House of Representatives, February 14, 1957.

Referred to Committee on Welfare. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Latno of Old Town.

### STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-SEVEN

#### AN ACT Relating to Elections in Penobscot and Passamaquoddy Tribes of Indians.

Be it enacted by the People of the State of Maine, as follows:

**Sec. 1. R. S., c. 25, § 338, repealed.** Section 338 of chapter 25 of the Revised Statutes is hereby repealed, as follows:

'Sec. 338. Tribal committee chosen annually; membership. A tribal committee of the Penobscot tribe of Indians shall be chosen annually, in the month of November, to consist of 12 members of said tribe. No member of said committee shall be less than 21 years of age. The said members shall be chosen at a meeting held as hereinafter provided.'

**Sec. 2. R. S., c. 25, § 339, repealed.** Section 339 of chapter 25 of the Revised Statutes is hereby repealed, as follows:

'Sec. 339. Meetings for election of committee; certificates of election; vacancies. A meeting for the election of members of said committee shall be called by the commissioner, who shall give notice thereof in the same manner as notice of the meeting for the election of governor of said tribe is required to be given; and at such meeting said commissioner or some person appointed in writing by him shall preside, who shall receive, sort, count and declare in open meeting the vote given in for members of said committee. The said commissioner shall issue certificates of election to the persons thus elected, who shall hold office as such members until a new election is had, unless their term of office is sooner terminated by resignation or by ceasing to be members of said tribe. Whenever any vacancy occurs in said committee, the commissioner shall call a meeting of the tribe to fill such vacancy.'

**Sec. 3. R. S., c. 25, § 369, amended.** Section 369 of chapter 25 of the Revised Statutes is hereby amended to read as follows:

**'Sec. 369. Census of Penobscot Indians; annual meeting; notices; persons entitled to membership to be reported; correction of lists; compensation of committee.** An accurate census of the Penobscot tribe shall be taken early each January by the tribal committee upon the best information which they can obtain, ~~as hereinafter provided~~ stating, as nearly as may be, the name, sex and age of each Indian as it existed on the 1st day of such January, each family by itself. On or before the 10th day of January, annually, the original, certified under oath, shall be delivered to the Commissioner, and a copy thereof to the Governor of said tribe for their use. On the 1st Wednesday of January, annually, the said committee shall hold a meeting with said tribe on Old Town Indian Island, for receiving information from such of the tribe as may attend, as to the membership of the tribe, the identity of persons and the correctness of names; ~~due~~. **Due** notice in writing of the time and place of which meeting shall be given by said committee. At said meeting 5 of said tribal committee shall constitute a quorum thereof; ~~and on said 1st Wednesday of January annually, the names of all persons entitled to membership under the provisions of section 340 shall be reported by the tribal committee to the person authorized by law to take the census of said tribe, and shall thereupon be placed on the census roll.~~

Corrections of the list, by reason of births, deaths or omissions, may, as they come to the knowledge of the committee, be certified to the commissioner and he shall correct his list accordingly. ~~This list, so corrected, shall, with his account, be returned to the department. A reasonable compensation shall be paid to the tribal committee by the commissioner and charged in his account, and allowed and paid to him out of the state treasury.'~~

**Sec. 4. R. S., c. 25, § 370, amended.** Section 370 of chapter 25 of the Revised Statutes is hereby amended to read as follows:

**'Sec. 370. Biennial election of tribe.** Biennially on the even-numbered years, on the 1st Tuesday of September, the Penobscot Indians shall hold their election for the choice of governor and lieutenant governor of said tribe, and a representative at the Legislature of this State, **and a tribal committee to consist of 12 members of said tribe each of whom must be at least 21 years of age. The governor shall preside over all meetings of the committee and be a member ex-officio. In the absence of the governor, the lieutenant-governor shall preside.** The Commissioner shall give notice of the time and place, 7 days before said day of election, by posting notices thereof, one at his office and one in some conspicuous place on Old Town Island. Said Commissioner shall receive, sort and count the votes given in at said election, in presence of the members of the tribe, and shall give to those elected certificates thereof. **All persons so elected shall hold office for 2 years or until their successors are elected. Whenever any vacancy occurs the Commissioner shall call a meeting of the tribe to fill such vacancy.'**

**Sec. 5. R. S., c. 25, § 371, amended.** Section 371 of chapter 25 of the Revised Statutes is hereby amended to read as follows:

**'Sec. 371. Biennial election.** Biennially on the even-numbered years, on the 1st Tuesday of October, the Passamaquoddy tribe of Indians shall hold their election for the choice of ~~governors~~ **governor** and lieutenant ~~governors~~ **governor** of said tribe, ~~and~~ a representative at the Legislature of this State, ~~and~~ a tribal committee to consist of 12 members of said tribe each of whom must be at least 21 years of age. The Governor shall preside over all meetings of the committee and be a member ex-officio. In the absence of the governor, the lieutenant-governor shall preside. The Commissioner shall give notice of the time and place, 7 days before said day of election, by posting notices thereof ~~one at his office and one~~ in some conspicuous place on the reservations at Pleasant Point and Peter Dana's Point. Said Commissioner shall receive, sort and count the votes given in said election, in the presence of members of the tribe, and those elected shall be given certificates therefor. **All persons so elected shall hold office for 2 years or until their successors are elected. Whenever any vacancy occurs the Commissioner shall call a meeting of the tribe to fill such vacancy.'**

**Sec. 6. R. S., c. 25, § 371-A, additional.** Chapter 25 of the Revised Statutes is hereby amended by adding thereto a new section to be numbered 371-A, to read as follows:

**'Sec. 371-A. Census of Passamaquoddy Indians.** An accurate census of the Passamaquoddy tribe shall be taken early each January by the tribal committee upon the best information which they can obtain, as hereinafter provided, stating, as nearly as may be, the name, sex and age of each Indian as it existed on the 1st day of such January, each family by itself. On or before the 10th day of January, annually, the original, certified under oath, shall be delivered to the Commissioner, and a copy thereof to the governor of said tribe for their use. On the 1st Wednesday of January, annually, the said committee shall hold a meeting with said tribe, for receiving information from such of the tribe as may attend, as to the membership of the tribe, the identity of persons and the correctness of names; due notice in writing of the time and place of which meeting shall be given by said committee. At said meeting 5 of said tribal committee shall constitute a quorum thereof.

Corrections of the list, by reason of births, deaths or omissions, may, as they come to the knowledge of the committee, be certified to the Commissioner and he shall correct his list accordingly.'